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**In the United States District Court  
For the Northern District of Texas  
Fort Worth Division**

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CLERK OF COURT

**Joseph F. Palazzolo,**

**Plaintiff,**

**v.**

**American Federation of Government  
Employees, AFL-CIO; Bobby L. Harnage,  
Mark Roth, Chuck Hobbie, Rod Tanner,  
Rogelio (Roy) Flores, Harry Dawson, Carl  
Yates, Derrell Chandler, Donnie Hurd, Aquilla  
Brock, Sandra McClarney, and Jim McCann,**

**Defendants.**

**Case No. 4:01-CV-0488-Y**

**Second Motion for Extension of Time to File Motion for Summary  
Judgment by Defendants AFGE, Flores, Dawson, Chandler and Brock<sup>1</sup>**

Defendants American Federation of Government Employees, AFL-CIO ("AFGE"), Rogelio (Roy) Flores, Harry Dawson, Derrell Chandler, and Aquilla Brock (collectively "defendants") hereby move for a twenty-one day extension of time in which to file a motion for summary judgment in the subject case.<sup>2</sup> This is the defendants' second request for an extension of time on this matter. Per the scheduling order of May 8, 2002, the original due date for the filing of dispositive motions was set for February 20, 2003. On defendants' motion, and by order dated

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<sup>1</sup> By order dated March 3, 2003, all claims against defendants Harnage, Roth, Hobbie, Tanner, and Yates were dismissed with prejudice.

<sup>2</sup> Three other defendants (Donnie Hurd, Sandra McClarney, and Jim McCann) are not represented by the undersigned counsel, and thus are not technically movants of the present motion.

February 28, 2003, a twenty-one day extension of time was granted, and the due date for filing a motion for summary judgment in this case was re-set at March 13, 2003. Should this second motion for a twenty-one day extension of time for filing a motion for summary judgment be granted, the due date for filing a motion for summary judgment and supporting material will be re-set at April 4, 2003.

Substantial progress has been made by the defendants on the preparation of their summary judgment materials. At this writing, a draft brief has been nearly completed based on counsel notes of prior interviews with present and former defendants. However, the plaintiff's pending complaint is his "second amended complaint," which contains fifty-three "counts," and takes 32 pages in length. Moreover, the pending complaint contains a good deal of factual overlap in many of the counts among multiple individual defendants and AFGE. Defendants will need to verify facts among each individual defendant and have sworn affidavits (or their equivalent) prepared for, and approved by, each person. Although the dismissal of a number of individual defendants has somewhat shortened the expected brief, affidavits (or their equivalent) will still have to be prepared and approved by these persons as well since allegations against them in the current complaint are still applicable to the defendant AFGE. Many of these affiants are located outside of Texas and logistical issues may arise with the preparation of this factual matter.

Additionally, defendants believe that the sizeable overlap of factual allegations among multiple defendants is best addressed in a comprehensive presentation rather than by a piecemeal series of motions for partial summary judgment on behalf of one or two defendants at a time. In other words, defendants believe the Court would be better served by having a single motion and supporting materials covering all apparent issues in lieu of a series of papers that would be forced

to repeat certain facts and arguments.

Defendants also submit that allowing a dispositive motion to be considered is sorely needed for the Court to effectively manage the present case. Defendants respectfully submit that all of plaintiff's claims are appropriate for resolution through summary judgment. Yet even if the Court should disagree with defendants' position, defendants further submit that it is certain that many of the pending counts can be resolved through summary judgment and that, for any trial to be manageable in this case, the Court should avail itself of the opportunity to resolve as many claims as possible through summary judgment.

Finally, while defendants intend to expeditiously work toward completion of a summary judgment motion and supporting materials, the undersigned is committed to a trial in U.S. District Court during the week of March 10, and the in-house counsel of defendant AFGE that has been assigned to assist the undersigned counsel has a longstanding commitment to provide instruction for a class of approximately fifty union activists on March 19 through 21. Accordingly, a full twenty-one day extension will be needed.

For the foregoing reasons, it is respectfully requested that this second motion for an extension of time of twenty-one days for defendants to file a motion for summary judgment, up to and including April 3, 2003, be granted.

Respectfully submitted,



Richard Lee Griffin  
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Date: March 7, 2003

Attorney for defendants AFGE, Flores,  
Dawson, Chandler and Brock

#### Certificate of Conference

I conferred with Mr. Roger Jatko, attorney for plaintiff, and Mr. David Coggin, attorney for defendants Hurd, McClarney, and McCann, on March 7, 2003. Neither attorney opposes the motion.

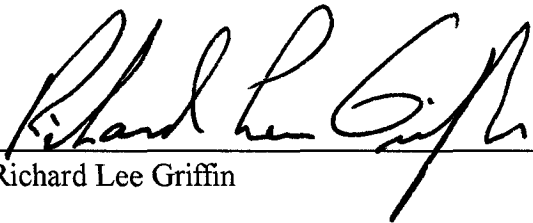
  
Richard Lee Griffin

**Certificate of Service**

I certify that I mailed a copy of the foregoing **Second Motion for Extension of Time to File Motion for Summary Judgment by Defendants AFGE, Flores, Dawson, Chandler and Brock** to the parties listed below, at the address shown, by U.S. mail on the 7th day of March, 2003:

Mr. Roger Jatko  
Attorney at Law  
17786 E. Chicory Circle  
Parker, Colorado 80134

David A. Coggin  
Attorney at Law  
Post Office Box 27  
Burleson, Texas 76097

  
Richard Lee Griffin

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**Joseph F. Palazzolo**

**Plaintiff,**

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**American Federation of Government  
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**Civil Action 401-CV-0488-Y**

**Declaration Under Penalty of Perjury of Richard Lee Griffin**

“My name is Richard Lee Griffin. I am over 18 years of age and I am competent to make this statement. I reside in the State of Texas, which is where I make this statement.

1. “I am the attorney for defendants American Federation of Government Employees, AFL-CIO ("AFGE"), Rogelio (Roy) Flores, Harry Dawson, Derrell Chandler, and Aquilla Brock in this action. I make these statements on personal knowledge.

I declare under penalty of perjury that the facts stated in the Second Motion for Extension of Time to File Motion for Summary Judgment by Defendants AFGE, Flores, Dawson, Chandler and Brock are true and correct.

Executed on March 7, 2003.

  
Richard Lee Griffin